

City Council Minutes
Tuesday, August 13, 2019

On the 13th day of August 2019, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

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|-----------------------|---|--|
| Henry Wilson |) | Mayor |
| Larry Kitchens |) | Mayor Pro Tem |
| David Booe |) | Councilmembers |
| Bill McLendon |) | |
| Jon McKenzie |) | |
| Cathy Thompson |) | |
| Cindy Shepard |) | |
| | | |
| Clay Caruthers |) | City Manager |
| John Boyle |) | City Attorney |
| Rita Frick |) | City Secretary |
| Clayton Fulton |) | Assistant City Manager |
| Malaika Marion Farmer |) | Assistant City Manager |
| Greg Dickens |) | Executive Director of Public Works |
| Billy Keadle |) | Assistant Police Chief |
| Kyle Gordon |) | Executive Director of Community Services |

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m.

Mayor Pro Tem Larry Kitchens gave the Invocation.

The Pledge of Allegiance was given. The Texas Pledge was given.

PRESENTATION(S)

1. Presentation recognizing the City Sponsored Youth Sports Associations.

Recreation Director Chris Watson introduced “Tri-Cities Baseball and Softball” award winners Brynn Smith and Samantha Castillo of the Lady Bandits 12 and under fast-pitch softball team chosen from among the best players in the Southern U.S. region. He stated they will play in the Regional All-American games in Rowlett, Texas. Mr. Watson introduced the under 7 boy’s baseball team, Tri-Cities Knights who recently competed in their first World Series, and first Tri-Cities Recreation team to complete an undefeated tournament to capture the World Series title. Introduced: Head Coach Matt Stovall, Coaches Tony Bural, Casey Duvak and Stewart Fowler. Players included Cody Bural,

Christian Choe, Parker Duvak, Zachary Duvak, Nicholas Fergen, Maddox Fowler, Wesley Peters, Ryder Stovall, Joshua Tillotson, Knox Williams and Hagen Anders.

Mayor and Council recognized City sponsored Youth Sports Association expressing congratulations.

2. Presentation recognizing the City of Hurst Aquatics Program.

Recreation Manager Jennifer Kashner and Athletic Coordinator Madison Bass introduced Bryce Dubose, first year lifeguard at Chisholm Aquatics Center who is the first Hurst lifeguard to receive the coveted Golden Guard Award. This award is given by Ellis & Associates, an international aquatic safety and risk management consultant for individual lifeguards observed performing their normal job duties while exhibiting behaviors that surpass the expectations of all safety standards.

Mayor and Council recognized City sponsored Youth Sports Association expressing congratulations.

PERSON(S) TO BE HEARD

3. Ms. Christina Storey, 604 Jane Lane, Hurst, Texas, requested to speak regarding restricting homeless from residing on residential streets.

Mayor Wilson recognized Ms. Christina Storey, 604 Jane Lane, Hurst, Texas who stated she was present on behalf of herself and her neighbors to express concerns regarding homeless sleeping and living next door. She expressed concern of incidents, documented by police and fire reports, of rage, breaking windows, obscenities and hand gestures made to neighbors. She expressed fear for ourselves and pets safety and that she did not understand how someone is allowed to sleep in the yard and in a car on public property. She expressed concern of property values and noted other cities have passed laws to prohibit and she was present this evening to place the item before the Council for a solution. Mayor Wilson noted a request to speak card completed by Danny Rangel. Mr. Rangel, 604 Jane Lane, Hurst, Texas stated he also wanted to express how frustrated they are regarding this issue and do not know what else to do. Mayor Wilson stated he spoke to the City Attorney and that this is a very difficult issue, as they have experienced. He stated they have asked the attorney to get with the police department to see what can be done legally. He stated they will make an earnest effort to alleviate the issue.

CONSENT AGENDA

4. Considered approval of the minutes for the July 9, 11 and 30 2019 City Council meetings.
5. Considered Ordinance 2420, second reading, concerning changes to school zone speed limit times for Pipeline Road at Harrison Lane and the streets adjacent to Hurst Junior

High School in the City of Hurst.

6. Considered Ordinance 2423, second reading, SP-19-04, Provision at Patriot Place, a site plan revision for TR2A Abstract 1629, Gulaver Wilson Survey, being 9.495 acres located at 501 W. Hurst Blvd.
7. Considered Resolution 1739 ratifying the actions of the Hurst Crime Control and Prevention District Board.
8. Considered acknowledgment of the emergency change order for the City Hall Roof Project.
9. Considered authorizing the city manager to enter into a contract with Reliable Paving, Inc., as the primary vendor during the next 12 months with the option to renew for four additional 12-month periods.

Councilmember Kitchens moved to approve the consent agenda. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

PUBLIC HEARING(S) AND BUDGET RELATED ITEM(S)

10. Conducted a Public Hearing to consider adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2019 and ending September 30, 2020.

Mayor Wilson announced the public hearing and recognized Assistant City Manager Clayton Fulton who reviewed the proposed Crime Control and Prevention District budget for Fiscal Year October 1, 2019 through September 30, 2020. He stated the fund is entirely funded with sales tax and is 6% of the total sales levy in Hurst, totaling \$5.2 million. Mr. Fulton stated the fund is property tax relief of 15 cents to the tax rate, and started in 1995. He stated the sales tax was reauthorized by the voters in 2010 and supports personnel and capital projects only in the police department. Proposed Fiscal Year 2020 revenue is \$5,566,615, proposed expenditures is \$5,556,615 with Pay-Go Projects totaling \$635,678.

There being no one to speak, Mayor Wilson closed the public hearing.

11. Considered Ordinance 2424, first reading, adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2019 and ending September 30, 2020.

Assistant City Manager Clayton Fulton stated the proposed ordinance is to approve the budget presented in the previous public hearing item, and was approved this evening, prior to the meeting, by the Crime Control and Prevention District Board.

Councilmember McKenzie moved to approve Ordinance 2424, first reading, adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2019 ending September 30, 2020. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

12. Considered vote on the proposed tax increase for Fiscal Year 2019-2020.

Assistant City Manager Clayton Fulton stated, in preparing the proposed budget, the proposed rate for the budget exceeds the effective rate so the Council must vote to place a proposal to adopt the rate on the agenda as an action item.. He stated the recommendation for the proposed rate is \$0.597299 per \$100 valuation, the majority of which is for the new animal control facility approved by the voters. Mr. Fulton reviewed the effective tax rate of \$0.544839, rollback tax rate of \$0.597299, and the public hearing dates to consider the tax rate August 27, 2019, 6:30 p.m. at Hurst City Hall and September 3, 2019, 5:00 p.m. at Hurst City Hall.

Mayor Wilson commented regarding the recent legislative session noting legislation passed reducing revenue about \$1 million with the elimination of red light camera and franchise fees and other revenue sources. Mayor Wilson stated the budget is only going up 1.24%, a modest increase to include raises for employees; and the legislature removed so many revenue streams, it makes it challenging. City Manager Caruthers noted the voter approved bonds for the animal shelter are part of the increase and stated a public hearing will be held for the proposed budget, which is the initial step in the approval process of the budget and tax rate. Mayor Pro Tem Kitchens noted the Federal Communication Commission also removed and the City's authority to regulating rights-of-way.

Councilmember Kitchens moved that the City Council vote to place a proposal to adopt a tax rate of \$0.597299 per \$100 valuation on the agenda, as an action item for the September 10, 2019 meeting and schedule two (2) public hearings on August 27, 2019 and September 3, 2019 for this proposal. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

13. Considered ordering the publication of the effective and rollback tax rates, including a proposed tax rate, to be published on August 17, 2019, in the "Fort Worth Star-Telegram" to comply with truth-in-taxation laws.

Assistant City Manager Clayton Fulton stated, with the Council action regarding the proposal to adopt the tax rate, it is required to publish the effective and rollback tax rates, including a proposed tax rate. He stated the rate does not exceed the rollback; therefore

not subject to a rollback election and reviewed the notice to publish a proposed tax rate of \$0.597299 per \$100; preceding year's tax rate of \$0.58 per \$100 valuation; effective tax rate of \$0.544839 per \$100 valuation, and rollback tax rate of \$0.597299 per \$100 valuation. Mr. Fulton stated the proposed rate is a two part rate, debt service of \$0.119063 and the balance is the maintenance and operation.

Councilmember Shepard moved that the effective and proposed tax rates be published on August 17, 2019 in the "Fort Worth Star-Telegram" to comply with truth-in-taxation laws as prescribed in Section 26 of the Tax Code and Section 140 of the Local Government Code. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

RESOLUTION(S)

14. Considered Resolution 1738 authorizing the City of Hurst to make detailed application to the Texas Department of Transportation's 2019 Safe Routes to School – Infrastructure (SRTS) Call for Projects.

Executive Director of Public Works Greg Dickens stated the proposed resolution is mandated as part of the Safe Routes to School – Infrastructure (SRTS) call for projects and part of the grant process administered by the Texas Department of Transportation. He stated the proposed project covers sidewalks and solar powered flashing beacons on streets near the Shady Oaks, Donna Park and Hurst Hills Elementary schools. He stated the deadline for submittal is August 15, 2019, and the total estimated engineering and construction cost is \$1,108,000, which is not guaranteed to be awarded due to the competitiveness of the grant. In response to Council questions, Mr. Dickens stated the City will be responsible to pay for the project upfront and then submit for reimbursement on a monthly basis. Councilmember Kitchens noted the systematic approach the City has taken to request these funds.

Councilmember Booe moved to approve Resolution 1738 authorizing the City of Hurst to make detailed application to the Texas Department of Transportation's 2019 Safe Routes to School – Infrastructure (SRTS) Call for Projects. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

15. Considered Resolution 1740, authorizing the continued receipt of bingo prize fees under Section 2001.502 of the State of Texas' Occupations Code.

Assistant City Manager Clayton Fulton stated House Bill 914, passed during the legislative session, requires the City to vote and notify the Texas Lottery Commission of the Council's decision to continue receiving bingo prize fees. The City must also notify each licensed bingo establishment within the City's jurisdiction and process the payments, which the state had been processing. In response to the Council's questions, Mr. Fulton stated the bingo revenue has been as high as \$50,000 and there would be additional costs to the City associated with processing the payments.

Councilmember McLendon moved to approve Resolution 1740 authorizing the continued receipt of bingo prize fees under Section 2001.502 of the State of Texas' Occupation Code. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

OTHER BUSINESS

16. Considered authorizing the city manager to renew the current contract with Cigna to provide stop-loss insurance for the health plans and third party administration for the health plans for eligible full-time employees, retirees, and dependents effective 10/1/2019 through 9/30/2020.

Executive Director of Human Resources Matia Messemer reviewed the contract with Cigna to provide stop-loss insurance and third party administration noting the City is self-funded and outlined the proposed changes to the stop-loss coverage. Ms. Messemer reviewed the request for proposal and noted the assistance from HUB International in review and negotiation of the contract, which resulted in a decrease in fixed costs through Cigna. Ms. Messemer also noted the anticipated 7.9% increase in total claims expense. She stated employers around the country are seeing increases and that through negotiating efforts, the total plan design change is a 7.9% increase instead of 14.2%. Mayor Wilson stated this is another example of what local governments deal with when funding their budget.

Councilmember Thompson moved to authorize the city manager to renew the current contract with Cigna to provide stop-loss insurance for the health plans and third party administration for the health plans for eligible full-time employees, retirees, and dependents effective 10/1/2019 through 9/30/2020. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

Mayor Wilson noted Councilmember Shepard would recuse herself from the next two agenda items and Ms. Shepard left the Council Chamber at 7:23 p.m.

17. Considered authorizing the City Manager to enter into a contract for construction of the Cimarron Trail Drainage Improvements.

City Manager Caruthers stated Councilmember Shepard recused herself because the item concerns the street where she resides. Mr. Caruthers stated discussions with Mr. Tom Jones, regarding drainage improvements began prior to Councilmember Shepard serving on the Council. He stated Ms. Shepard's property is where an easement for the drainage solution is located and to help all residents on Cimarron Trail, Mr. and Mrs. Shepard offered the easement. Executive Director of Public Works Greg Dickens reviewed the proposed project noting the flow of the runoff and the agreement with Thomas Hoover Engineering, LLC, approved last year to prepare the design for the drainage improvements to mitigate the drainage issues. He stated bids were received on July 24, 2019, for the proposed project, with the low bidder being ANA Site Construction, LLC, for a total bid amount of \$190,311, and staff is recommending a contingency, for a total amount of \$209,311. City Manager Caruthers noted this is one of the few streets in Hurst that does not have curb and gutter, and the neighbors desire for a quaint country atmosphere, which keeps the project cost relatively low compared to a full curb and gutter project.

Councilmember Kitchens moved to authorize the city manager to enter into a Contract with ANA Site Construction, LLC, for Cimarron Trail Drainage Improvements, in the amount of \$190,311.00, with a contingency of \$19,000. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

18. Considered authorizing the City Manager to accept the Drainage Easement dedication on Lot 2B of Adams Acres at 1329 Cimarron Trail.

City Manager Caruthers noted there are no additional staff comments, the easement is associated with the project previously discussed.

Councilmember Booe moved to authorize the city manager to accept the Drainage Easement Dedication on Lot 2B of Adams Acres at 1329 Cimarron Trail. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

19. Considered authorizing the City Manager to proceed with the Hurst Justice Center Jail Roof.

Executive Director of Community Services Kyle Gordon reviewed the jail roof project explaining the jail has experienced leaks related to the original barrel roof as well as

water penetration issues associated with converting the exterior patio to an interior office space. He explained when the original building that houses the jail facilities was renovated, which included enclosing an exterior patio to create additional office space, the renovation did not include replacing the existing barrel roof above the newly enclosed office space. He stated Supreme Roofing, currently replacing the City Hall roof, proposed a cost of \$51,081, which includes 10% contingency, to replace the barrel roof and extend the grey exterior metal sheeting to match the existing façade. These improvements should resolve the roof leaks, seal and waterproof the exterior walls, and include a twenty-year manufacturer warranty. In response to Council questions, staff stated the roof has been leaking since 2017, but this year has been a very stormy wet year, magnifying the problem.

Councilmember Thompson moved to authorize the city manager to proceed with the Hurst Justice Center Jail Roof Replacement, for an amount not to exceed \$51,081, with funding from the Anti-Crime Tax Fund. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

20. Considered authorizing the city manager to proceed with the replacement of the City Wide Access Control System.

Assistant City Manager Clayton Fulton stated this item is for the security access control system for facilities across the City. Director of Information Technology Sunny Patel reviewed the proposed system, noting during construction of the Hurst Justice Center a new system was installed as the existing system at City Hall was outdated. The current master system is over 15 years old and is failing creating access issues at several facilities. Mr. Patel stated the project cost is \$136,207, including a 10% contingency, to bring all facilities on the new system. In response to Council questions, Mr. Patel stated the new system should be in operation in one to two months.

Councilmember McKenzie moved to allow the city manager to authorize the replacement of the City Wide Access Control System, at a cost not to exceed \$136,207. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

21. Considered annual appointments to Boards, Commissions and Committees.

Mayor Wilson noted several openings on the Boards, Commissions and Committees, and Council is still interviewing applicants. He stated a large number of members applied to be reappointed and he would like Council to consider making those appointments tonight.

Councilmember Kitchens moved to reappoint those individuals who sought to be reappointed, who terms were expiring. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard
No: None

22. Council reviewed the following board, commission and committee meeting minutes:
 - Historical Landmark Preservation Committee
 - Hurst Senior Citizens Advisory Board
 - Library Board
 - Parks and Recreation Board
23. Review of upcoming calendar items – City Manager Caruthers reviewed calendar items noted in the packet and Assistant City Manager Malaika Marion Farmer provided information on the new National Night Out event. Also noted was the planning of the next Pop up Event in Bellaire, but a date has not be finalized. Mayor Wilson requested an item on the next agenda to cancel or move the October 8, 2019 City Council meeting due to the Texas Municipal League Annual Conference.
24. City Council Reports - Items of Community Interest. Mayor Wilson noted he along with the City Manager and Economic Development Director attended a meeting with Bell Executives and Gardner Capital regarding a possible project near Bell.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED – No one spoke.

EXECUTIVE SESSION in Compliance With the Provisions of the Texas Open Meetings Law, Authorized by Government Code, 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City, and Section 551.071, Consultation with City Attorney to seek advice regarding Pending or Contemplated Litigation or Settlement Offers (Dakota Place Apartments) and 551.072, deliberation of the purchase, exchange, lease, or value of real property for identified as the Susan McDaniel Survey, Abstract number 1407, Hurst, Tarrant County, Texas, and being a portion of those Tracts of Land described as Tract One to Nazzaro Texas Properties, L.L.C. as recorded in document No. D213234851 in the official public records of Tarrant County, Texas, being a part of Lot 7 Block 1 of the Plat recorded as Lots 7 through 15, both inclusive, Block 1, Lots 7 through 22 Both inclusive, Block 2, Lots 1 through 18, Block 3 and Lots 7 through 38, both inclusive, all in Buena Vista Addition in the City of Hurst, Tarrant County, Texas as recorded in Volume 388-Z, Page 19 in the Plat records of Tarrant County, Texas being a part of Lot 6 Block 1 of the Plat recorded as Lots 1 through 6, Block 1, Lots 1 through 6, Block 2 and Lots 1 through 6, Block 4, all in Buena Vista Addition, as recorded in Volume 388-Q, Page 117, Plat records of Tarrant County, Texas and to reconvene in

Open Session at the conclusion of the Executive Session.

Mayor Wilson did not recess to Executive Session, noting this item was addressed earlier.

25. Take any and all action necessary ensuing from Executive Session.

Councilmember Kitchens moved to approve Resolution 1741. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Kitchens, McKenzie, Thompson, McLendon and Shepard

No: None

ADJOURNMENT

The meeting adjourned at 7:52 p.m.

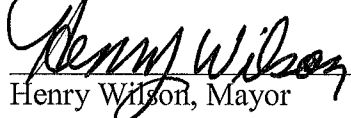
APPROVED this the 27th day of August 2019.

ATTEST:



Rita Frick, City Secretary

APPROVED:



Henry Wilson, Mayor